

**Calendar No. 636**

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2266**

**[Report No. 103-382]**

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**A BILL**

To amend the Recreation Management Act of  
1992, and for other purposes.

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SEPTEMBER 26 (legislative day, SEPTEMBER 12), 1994  
Reported with an amendment

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## IN THE SENATE OF THE UNITED STATES

JULY 1 (legislative day, JUNE 7), 1994

Mr. BRADLEY (by request) introduced the following bill; which was read twice  
and referred to the Committee on Energy and Natural Resources

SEPTEMBER 26 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. JOHNSTON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

**A BILL**

To amend the Recreation Management Act of 1992, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 2805 of the Recreation Management Act of  
4       1992 (~~16 U.S.C. 4601-31~~) is amended by adding at the  
5       end the following:

1       “(e) PENALTY.—Any person who violates any regula-  
2 tion issued under subsection (a)(2) shall be fined in ac-  
3 cordance with title 18, United States Code, or imprisoned  
4 not more than 6 months, or both, (and may be adjudged  
5 to pay all costs of the proceedings).

6       “(f) LAW ENFORCEMENT OFFICERS.—

7               “(1) BUREAU OF RECLAMATION LAW ENFORCE-  
8       MENT OFFICERS.—In addition to any other authori-  
9 ties conferred by law, the Secretary of the Interior  
10 is authorized to designate, pursuant to standards  
11 prescribed in regulations by the Secretary, certain  
12 officers or employees of the Department of the Inte-  
13 rior who shall maintain law and order and protect  
14 persons and property within the areas subject to the  
15 jurisdiction of the Bureau of Reclamation. In the  
16 performance of such duties, the officers or employees  
17 so designated may—

18               “(A) carry firearms and make arrests  
19 without warrant for any offense against the  
20 United States committed in their presence, or  
21 for any felony cognizable under the laws of the  
22 United States if they have reasonable grounds  
23 to believe that the person to be arrested has  
24 committed or is committing such a felony, if  
25 such arrests occur within such areas of jurisdic-

1           tion of the Bureau or the person to be arrested  
2           is fleeing therefrom to avoid arrest;

3           ~~“(B) execute any warrant or other process~~  
4           ~~issued by a court or officer of competent juris-~~  
5           ~~isdiction for the enforcement of the provisions of~~  
6           ~~any Federal law or regulation issued pursuant~~  
7           ~~to law arising out of an offense committed in a~~  
8           ~~Bureau of Reclamation project or, where the~~  
9           ~~person subject to the warrant or process is in~~  
10          ~~that project, in connection with any Federal of-~~  
11          ~~fense; and~~

12          ~~“(C) conduct investigations of offenses~~  
13          ~~against the United States committed in the ju-~~  
14          ~~risdiction of the Bureau of Reclamation in the~~  
15          ~~absence of investigation thereof by any other~~  
16          ~~Federal law enforcement agency having inves-~~  
17          ~~tigative jurisdiction over the offenses committed~~  
18          ~~or with the concurrence of such other agency;~~

19          ~~“(2) SPECIAL POLICE.—The Secretary, acting~~  
20          ~~through the Commissioner, may—~~

21          ~~“(A) designate officers and employees of~~  
22          ~~any other Federal agency or law enforcement~~  
23          ~~personnel of any State or political subdivision~~  
24          ~~thereof, when deemed economical and in the~~  
25          ~~public interest and with the concurrence of that~~

1 agency or that State or subdivision, to act as  
2 special police in the areas under the jurisdiction  
3 of the Bureau of Reclamation when supple-  
4 mental law enforcement personnel may be need-  
5 ed and to exercise the powers, specified in para-  
6 graph (1);

7 “(B) cooperate with the Bureau of Rec-  
8 lamation system and with any State, or political  
9 subdivision thereof, in the enforcement or su-  
10 pervision of the laws or ordinances of that State  
11 or subdivisions; and

12 “(C) provide limited reimbursement, to a  
13 State or its political subdivisions, in accordance  
14 with such regulations as the Secretary may pre-  
15 scribe, where the State has ceded concurrent  
16 legislative jurisdiction over the affected area of  
17 the Bureau of Reclamation system, for expendi-  
18 tures incurred in connection with the activities  
19 of the State or political subdivision within the  
20 Bureau project which were rendered pursuant  
21 to this paragraph; and

22 “(D) perform any other law enforcement  
23 duty specified by the Secretary of the Interior.

24 “(3) RULES RELATING TO SPECIAL OFFI-  
25 CERS.—

1           “(A) Except as otherwise provided in this  
2 subsection, a law enforcement officer of any  
3 State or political subdivision thereof designated  
4 to act as special police under paragraph (2)  
5 shall not be deemed a Federal employee and  
6 shall not be subject to the provisions of law re-  
7 lating to Federal employment, including (but  
8 not limited to) those relating to hours of work,  
9 rates of compensation, leave, unemployment  
10 compensation, and Federal benefits.

11           “(B) For purposes of the tort claim provi-  
12 sions of title 28, United States Code, a law en-  
13 forcement officer of any State or political sub-  
14 division thereof shall, when acting as special po-  
15 lice under paragraph (2), be considered a Fed-  
16 eral employee.

17           “(C) For purposes of subchapter I of chap-  
18 ter 81 of title 5, United States Code, relating  
19 to compensation to Federal employees for work  
20 injuries, a law enforcement officer of any State  
21 or political subdivision thereof shall, when act-  
22 ing as a special policeman under paragraph (2),  
23 be deemed to be a civil service employee of the  
24 United States within the meaning of the term  
25 ‘employee’ as defined in section 8101 of title 5,

1 United States Code, and the provisions of that  
2 subchapter shall apply.

3 ~~“(4) STATUS OF AUTHORITIES.—The authori-~~  
4 ~~ties provided by this subsection shall supplement the~~  
5 ~~law enforcement responsibilities of the Bureau of~~  
6 ~~Reclamation and shall not authorize the delegation~~  
7 ~~of law enforcement responsibilities of the Bureau of~~  
8 ~~State and local governments.~~

9 ~~“(g) REGULATIONS CONCERNING OTHER ACTIVI-~~  
10 ~~TIES.—The Secretary, acting through the Commissioner,~~  
11 ~~shall enforce regulations issued under subsection (a)(2)~~  
12 ~~concerning boating and other activities on or relating to~~  
13 ~~waters located within areas of the Bureau of Reclamation,~~  
14 ~~including waters subject to the jurisdiction of the United~~  
15 ~~States.~~

16 ~~“(h) SAVINGS.—Nothing contained in this title shall~~  
17 ~~be construed or applied to limit or restrict the investigative~~  
18 ~~jurisdiction of any Federal law enforcement agency other~~  
19 ~~than the Bureau of Reclamation, and nothing shall be con-~~  
20 ~~strued or applied to affect any right of a State or political~~  
21 ~~subdivision thereof to exercise civil and criminal jurisdic-~~  
22 ~~tion within any of the Bureau of Reclamation projects.”.~~

23 *That section 2805 of the Recreation Management Act of*  
24 *1992 (16 U.S.C. 4601–31) is amended by adding at the end*  
25 *the following:*

1       “(e) *PENALTY.*—Any person who violates any regula-  
2       tion issued under subsection (a)(2) shall be fined in accord-  
3       ance with title 18, United States Code, or imprisoned not  
4       more than 6 months, or both, (and may be adjudged to pay  
5       all costs of the proceedings).

6       “(f) *LAW ENFORCEMENT OFFICERS.*—

7               “(1) *BUREAU OF RECLAMATION LAW ENFORCE-*  
8       *MENT OFFICERS.*—In addition to any other authori-  
9       ties conferred by law, the Secretary of the Interior is  
10       authorized to designate, pursuant to standards pre-  
11       scribed in regulations by the Secretary, certain offi-  
12       cers or employees of the Department of the Interior  
13       who shall maintain law and order and protect per-  
14       sons and property within the areas subject to the ju-  
15       risdiction of the Bureau of Reclamation. In the per-  
16       formance of such duties, the officers or employees so  
17       designated may—

18               “(A) carry firearms and make arrests with-  
19       out warrant for any offense against the United  
20       States committed in their presence, or for any  
21       felony cognizable under the laws of the United  
22       States if they have reasonable grounds to believe  
23       that the person to be arrested has committed or  
24       is committing such a felony, if such arrests occur  
25       within such areas of jurisdiction of the Bureau

1           *or the person to be arrested is fleeing therefrom*  
2           *the avoid arrest;*

3           “(B) execute any warrant or other process  
4           issued by a court or officer of competent jurisdic-  
5           tion for the enforcement of the provisions of any  
6           Federal law or regulation issued pursuant to law  
7           arising out of an offense committed in an area  
8           subject to the jurisdiction of the Bureau of Rec-  
9           lamation project, or, where the person subject to  
10          the warrant or process is in an area of Reclama-  
11          tion’s jurisdiction, in connection with any Fed-  
12          eral offense;

13          “(C) conduct investigations of offenses  
14          against the United States committed in the ju-  
15          risdiction of the Bureau of Reclamation in the  
16          absence of investigation thereof by any other  
17          Federal law enforcement agency having inves-  
18          tigative jurisdiction over the offenses committed  
19          or with the concurrence of such other agency;

20          “(D) cooperate with any State, or political  
21          subdivision thereof, in the enforcement or super-  
22          vision of the laws or ordinances of that State or  
23          subdivisions; and

24          “(E) perform any other law enforcement  
25          duty specified by the Secretary of the Interior.

1           “(2) *SPECIAL OFFICERS.*—*The Secretary, acting*  
2           *through the Commissioner, may—*

3                   “(A) *designate officers and employees of any*  
4                   *other Federal agency or law enforcement person-*  
5                   *nel of any State or political subdivision thereof,*  
6                   *when deemed economical and in the public inter-*  
7                   *est and with the concurrence of that agency or*  
8                   *that State or subdivision, to act as special offi-*  
9                   *cers in the areas under the jurisdiction of the*  
10                   *Bureau of Reclamation when supplemental law*  
11                   *enforcement personnel may be needed and to ex-*  
12                   *ercise the powers, specified in paragraph (1);*  
13                   *and*

14                   “(B) *provide limited reimbursement, to a*  
15                   *State or its political subdivisions, in accordance*  
16                   *with such regulations as the Secretary may pre-*  
17                   *scribe, where the State has ceded concurrent leg-*  
18                   *islative jurisdiction over the affected area of the*  
19                   *Bureau of Reclamation system, for expenditures*  
20                   *incurred in connection with the activities of the*  
21                   *State of political subdivision within the Bureau*  
22                   *project which were rendered pursuant to this*  
23                   *paragraph.*

24           “(3) *RULES RELATING TO SPECIAL OFFICERS.*—

1           “(A) *Except as otherwise provided in this*  
2 *subsection, a law enforcement officer of any*  
3 *State or political subdivision thereof designated*  
4 *to act as a special officer under paragraph (2)*  
5 *shall not be deemed a Federal employee and shall*  
6 *not be subject to the provisions of law relating to*  
7 *Federal employment, including (but not limited*  
8 *to) those relating to hours of work, rates of com-*  
9 *pen-sation, leave, unemployment compensation,*  
10 *and Federal benefits.*

11           “(B) *For purposes of the tort claim provi-*  
12 *sions of title 28, United States Code, a law en-*  
13 *forcement officer of any State or political sub-*  
14 *division thereof shall, when acting as a special*  
15 *officer under paragraph (2), be considered a Fed-*  
16 *eral employee.*

17           “(C) *For purposes of subchapter I of chap-*  
18 *ter 81 of title 5, United States Code, relating to*  
19 *compensation to Federal employees for work in-*  
20 *juries, a law enforcement officer of any State or*  
21 *political subdivision thereof shall, when acting as*  
22 *a special officer under paragraph (2), be deemed*  
23 *to be a civil service employee of the United*  
24 *States within the meaning of the ‘employee’ as*  
25 *defined in section 8101 of title 5, United States*

1           *Code, and the provisions of that subchapter shall*  
2           *apply.*

3           “(4) *STATUS OF AUTHORITIES.*—*The authorities*  
4           *provided by this subsection shall supplement the law*  
5           *enforcement responsibilities of the Bureau of Rec-*  
6           *lamation and shall not authorize the delegation of law*  
7           *enforcement responsibilities of the Bureau of State*  
8           *and local governments.*

9           “(g) *JURISDICTION.*—*Nothing contained in this title*  
10          *shall be construed or applied to limit or restrict the inves-*  
11          *tigative jurisdiction of any Federal law enforcement agency*  
12          *other than the Bureau of Reclamation, and nothing shall*  
13          *be construed or applied to affect any right of a State or*  
14          *political subdivision thereof to exercise civil and criminal*  
15          *jurisdiction within any of the Bureau of Reclamation*  
16          *projects.”.*